

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

CASE NO. 6:17-cv-01875-MGL-KFM

Tara Taylor,

Plaintiff,

vs.

Fluor Corporation, and Fluor
Government Group International, Inc.,

Defendants.

DEPOSITION HENRI FUENTES

DATE TAKEN: September 21, 2018

TIME BEGAN: 10:00 a.m.

TIME ENDED: 10:29 a.m.

LOCATION: Jackson Lewis, PC
15 South Main Street
Suite 700
Greenville, South Carolina 29601

REPORTED BY: Traci L. Barr, RPR
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1 APPEARANCES:

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.....On behalf of the Plaintiff

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12On behalf of the Defendants

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ALSO ATTENDING: (None.)

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1 -- don't guess at an answer. If you remember
2 something, you remember it. If you don't, you
3 don't. You can just let us know that. Okay?

4 A. Okay.

5 Q. Another thing, because we're doing this by video
6 link and by your phone, a lot of phones cut in
7 and cut out when there is noise -- I mean, a
8 signal coming in or out, so it's going to be
9 really important that you and I only speak one at
10 a time. That's important in a live deposition
11 too, but it's going to be really important here
12 because if I'm talking, I think it probably cuts
13 your mike off, and you may say something that
14 doesn't get picked up. Okay? So if you could
15 just pause when I ask a question and then answer
16 it, we'll be fine.

17 Mr. Fuentes, what is your position with Fluor?

18 A. I'm the project manager at -- on the --

19 Q. We're going to adjust the volume here. You're
20 doing fine.

21 Could you repeat the last answer, please?

22 A. Yeah. I'm the project manager on the JAX RBOS --
23 it's R-B-O-S -- 1 contract at Jacksonville,
24 Florida.

25 Q. And what company within Fluor --

1 A. I'm within Fluor Federal Solutions.

2 Q. Okay. And are you the head of that project?

3 A. I am.

4 Q. Okay. And for how long have you known Tara
5 Taylor?

6 A. She came here in I believe it was early '15.
7 That's when I first met her.

8 Q. Okay. And what positions has she held with you
9 since she came to Jacksonville?

10 A. Human resources manager.

11 Q. And who was the HR manager before Tara?

12 A. That was Amanda Cook. Her -- I'm sorry. Amanda
13 -- I can't remember her last name. I have
14 another one -- Amanda Cook here, but it's Amanda
15 anyway. I have to --

16 Q. You have --

17 A. I've got it right here. Amanda Cook. I was
18 right to begin with.

19 Q. Are you looking at the e-mails that Chase sent
20 you?

21 A. Yes.

22 Q. Okay. So Ms. Cook was there in Jacksonville
23 before she went back to corporate or went to
24 corporate?

25 A. Yes.

1 **Q. Mr. Fuentes, tell me your understanding of how**
2 **the process works if somebody wants to move from**
3 **one part of Fluor to another, from one project to**
4 **another, how that works and what the role of**
5 **what's been referred to as a release is.**

6 **A. My understanding is that they are technically not**
7 **supposed to discuss anything with my employee**
8 **until they request a release or they notify me**
9 **that they're going to talk to them, and then if**
10 **they want to pick them up, I have to release them**
11 **from this project.**

12 **Q. And is it in the manager's discretion whether or**
13 **not to grant that release?**

14 **A. Supposed to be, yes.**

15 **Q. Do you have your June 13, 2017 e-mail to Ms. Cook**
16 **in front of you?**

17 **A. I do.**

18 **Q. Okay. And can you tell us why you determined**
19 **that you would not release Ms. Taylor from your**
20 **project?**

21 **MR. SAMPLES: Object to the form.**

22 **THE DEPONENT: We have a very contentious project that**
23 **was coming to a close. I couldn't afford to lose**
24 **any of my key personnel, and Amanda -- excuse me.**

25 **EXAMINATION RESUMED**

1 BY MR. MURPHY:

2 Q. Tara?

3 A. Ms. Taylor is a key person here. We have a
4 conscientious group, so it was very key I keep
5 her here through the end of the contract.

6 Q. And is it disruptive to your operations if, for
7 example, an employee is assigned to your project,
8 is becoming involved with the union and the other
9 people, and then immediately wants to transfer
10 out to another position?

11 A. Yes, it is.

12 Q. And when is your project scheduled to end?

13 A. The current date is December 31st of this year.

14 Q. Is there any reason to believe it will be
15 extended beyond that point?

16 A. That's a tough question. We believe it might be.
17 We don't know for sure.

18 Q. Who is the customer for that project?

19 A. U.S. Navy.

20 Q. As you understand it, Mr. Fuentes, at what point
21 in time in the process does the employee request
22 a release?

23 A. The employee technically doesn't request a
24 release. Usually it comes from the business line
25 manager that wants to pick them up.

1 Q. Have you talked to anybody within Fluor -- well,
2 let me back up. Do you know who Roshella is?

3 A. I do.

4 Q. And your project in your part of Fluor works with
5 Roshella James?

6 A. We do.

7 Q. Just for the record, she's a lawyer employed by
8 Fluor, correct?

9 A. Yes.

10 Q. Okay. I'm going to ask you some questions. I
11 don't want you to tell me about any discussions
12 you've had with Roshella James or with Chase
13 Samples, who is the other lawyer here in the room
14 with me, but let me ask this question first.
15 Are there any other lawyers with whom you've
16 discussed Tara Taylor other than possibly
17 Roshella James or Chase Samples?

18 A. No.

19 Q. Again, what I want to do is I want to ask you
20 some questions, but don't tell me of any
21 discussions you had with either Roshella or
22 Chase. Okay?

23 A. Okay.

24 Q. And you may know this, but there is what's called
25 the attorney-client privilege, and we're not

1 trying to get into any of that. Okay?

2 Have you had any discussions with anybody within
3 Fluor about Tara Taylor's lawsuit other than an
4 attorney that may be representing the company?

5 A. No.

6 Q. When did you first learn that Tara had an issue
7 with Fluor?

8 A. When Roshella gave me a call.

9 Q. Okay. And again, I don't want you to tell me
10 what was said, but do you remember when Roshella
11 gave you a call?

12 A. I'm going to say three weeks ago, give or take.

13 Q. So this isn't something Tara's been talking about
14 or has been an issue where you work?

15 A. No.

16 Q. Has Tara done a good job for you as HR manager?

17 A. Very good job, yes.

18 Q. I think Chase has given you the e-mails between
19 yourself and Ms. Cook from June of 2017.
20 Do you have those in front of you?

21 A. I do.

22 Q. Did you have any communications with Ms. Cook
23 about Ms. Taylor other than what's in these
24 e-mails?

25 A. No.

1 Q. Okay. So the two of you never spoke by phone
2 that you can recall?

3 A. (Witness shakes head.)

4 Q. That didn't come across. The sound didn't come
5 across.

6 A. Oh. No.

7 Q. Okay. Thank you, sir.

8 So the only communications that you had regarding
9 Tara Taylor with anybody other than a lawyer are
10 the e-mails beginning June 12th, 2017 from Tara
11 to you and Amanda and ending with your e-mail of
12 June 13, 2017, in which you told Amanda you did
13 not release her and there was slim to no chance
14 of releasing her?

15 A. Yes, that's correct.

16 Q. And is it still your position, Mr. Fuentes, that
17 you need Tara on your project until it concludes?

18 A. Yes.

19 Q. If you would give me just a minute, sir, I may be
20 done. I just need to check one thing. Okay?

21 A. Okay.

22 MR. MURPHY: I don't have anything further.

23 MR. SAMPLES: Just a few follow-up questions.

24 EXAMINATION

25 BY MR. SAMPLES:

1 Q. Henry, we've talked previously. Again, I'm Chase
2 Samples. I represent Fluor in this case brought
3 by Ms. Taylor.

4 We were looking at e-mails from June of 2017.
5 Was June of 2017 the first time that Mrs. Taylor
6 had approached you about applying for a job in
7 Afghanistan?

8 A. By the e-mail is how I found out about it, yes,
9 and that's the first time.

10 Q. So prior to June of 2017, she had never requested
11 release from the project; is that correct?

12 A. Yes, that's correct.

13 Q. And she didn't actually request release from the
14 project in June of 2017, did she?

15 A. No, she did not.

16 Q. She was just putting you on notice that she was
17 applying for a position in Afghanistan; is that
18 correct?

19 A. Yes.

20 Q. Has she or has anyone on her behalf requested
21 that she be released from the project any time
22 since June of 2017?

23 A. No.

24 Q. Mr. Fuentes, have you ever had a situation where
25 you declined a person's request for release, but

1 that person was still reassigned by Fluor to
2 another project?

3 A. Yes. Three times.

4 Q. Okay. And of those three times, one of those
5 three employees was actually reassigned to the
6 LOGCAP project in Afghanistan; is that correct?

7 A. Yes.

8 Q. Is that a yes?

9 A. Yes.

10 Q. So is it fair to say, Mr. Fuentes, that you're
11 not the final word on whether someone is
12 reassigned from your project?

13 A. I'm supposed to be. However, business line VPs
14 do override.

15 MR. SAMPLES: Thank you. That's all I have.

16 EXAMINATION RESUMED

17 BY MR. MURPHY:

18 Q. Just to be clear, Mr. Fuentes, there is no point
19 in time that Tara was on that project that you
20 would have agreed to release her, is there?

21 A. No.

22 Q. Who are the three people who you did not want to
23 release that were otherwise sent elsewhere by
24 Fluor?

25 A. Amanda Cook, Wes Averritt, and Kevin Taylor. No